

**R E M A R K S**

The reasons for this amendment are as follows:

In the Official Action of July 1, 2002, the Examiner rejected the claims 18-20 under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of US patent No. 6,022,353 to Fletcher et al. and US patent No. 6,267,594 to Hugo.

In his amendment (dated August 8, 2002), the undersigned attorney pointed out that the patent to Hugo is not a valid reference against the claims 18-20 because it relies on the priority of a German patent application filed in 1998; on the other hand, applicants rely on the priorities of their Swiss patent applications filed in 1997. Attention is respectfully invited to the third paragraph on page 11 of the amendment dated August 8, 2002.

It appears that the Examiner overlooked the explanations on page 11 of the amendment dated August 8, 2002 because, in the next (final) Action of November 5, 2002, the claims 18-20 were finally rejected as being unpatentable under 35 U.S.C. 103(s) over the combined teachings of Fletcher and Hugo.

The undersigned thereupon repeatedly attempted to reach the Examiner by telephone (namely at the number

furnished on page 7 of the Final Action dated November 5, 2002) but the Examiner was not available. Two telephone calls were made on November 8 and a third call was made on November 13. The recording stated that the Examiner will answer the call within one working day. The next call was made in the morning of November 15; the Examiner answered the call and promised to call back in the afternoon of the same day. Since no answer was received by November 29, 2002, the undersigned called again but the Examiner was not available.

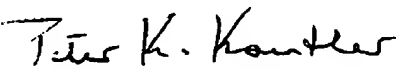
On December 2, 2002, the undersigned called the Supervisory Patent Examiner Mr. Joseph J. Hail III and explained the situation. Mr. Hail instructed the undersigned to file an amendment and to point out therein that the suggestion to file this Paper came from him. Mr. Hail also furnished the facsimile number ((703) 872 9303) for the filing of amendments after receipt of the final action.

It is now again respectfully requested that (a) the final rejection of claims 18-20 be withdrawn, or (b) the Examiner explain her continued reliance upon the US patent to Hugo. Such information is believed to be necessary for proper formulation of the Notice of Appeal and for the contents of the Brief on Appeal if applicants will decide to appeal the final rejection.

A response at a reasonably early date, preferably by facsimile ((239) 434 6747) , would be greatly appreciated.

Respectfully submitted,

Dated: Dec. 2, 2002

  
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I hereby certify that this amendment was forwarded to the US Patent and Trademark Office by facsimile on December 2, 2002 (to facsimile No. (703) 872 9303).

  
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Peter K. Kontler